

**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE:	)	In Proceedings
	)	Under Chapter 13
Mirza Ali Askar,	)	
Narjis Ali Askar,	)	Case No. 15-40796
	)	
Debtors.	)	Honorable Judge Doyle

**NOTICE OF MOTION**

To:

Paul M. Bach, Sulaiman Law Group, Ltd, 900 Jorie Boulevard, Suite 150, Oak Brook, IL 60523 via electronic notification;

Tom Vaughn, 55 E. Monroe, Suite 3850, Chicago, IL 60603 via electronic notification;  
and

Mirza Ali Askar, Narjis Ali Askar, 440 Blue Heron Circle, Barlett, IL 60103 via US Mail.

Please take notice that on May 10, 2016 at 9:30 am, or as soon thereafter as counsel may be heard, I shall appear before the Honorable Judge Doyle at the Everett McKinley Dirksen United States Courthouse, 219 South Dearborn Street, Courtroom 742, Chicago, Illinois, or before any other Bankruptcy Judge who may be presiding in said Judge's place, and shall present to the Court the attached motion at which time you may appear if you so choose.

/s/ Jennifer M. Rinn

Jennifer M. Rinn

**CERTIFICATE OF SERVICE**

I, the undersigned attorney, certify that I personally served the above and foregoing notice and motion on the above parties by Electronic Court Notification or by depositing the same in the U.S. Mail chute at 120 S. LaSalle, Chicago, IL before the hour of 5:00 pm on May 3, 2016.

/s/ Jennifer M. Rinn

Jennifer M. Rinn

Kropik, Papuga and Shaw  
120 S. LaSalle, Ste. 1920  
Chicago, IL 60603  
Ph: 312-236-6405

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**MOTION FOR RELIEF FROM STAY**

NOW COMES Exeter Finance Corp, by and through its undersigned attorney with Kropik, Papuga and Shaw, and as for its Motion for Relief from Stay, states as follows:

1. Exeter Finance Corp is a creditor of the Debtors and is seeking relief pursuant to 11 U.S.C. § 362.
2. On May 18, 2015, the Debtors executed an agreement for an interest in one 2012 Nissan Versa S, VIN 3N1BC1CP3CK287137.
3. Exeter Finance Corp has a properly perfected interest in the collateral in accordance with the Illinois Motor Vehicle Act, and said lien was noted upon the Certificate of Title in connection with the aforesaid motor vehicle.
4. On November 30, 2015, the Debtors filed a voluntary petition under Chapter 13 of Title 11 of the United States Bankruptcy Code.
5. The Debtors' Chapter 13 plan was confirmed on March 8, 2016.
6. The plan provides for Exeter Finance Corp's secured claim to be paid under Section E(3.1)(a) with fixed monthly payments to be disbursed by the Chapter 13 Trustee.

7. The language under Section E(3.1) of the plan states all secured claims, under said section, are to be paid in full except as stated in Section G of the plan.
8. The special terms under Section G provide for the Debtors to make monthly contract payments directly to Exeter Finance Corp for the 2012 Nissan Versa.
9. As a result of the the overriding language in Section G of the plan, the Chapter 13 Trustee's Office has not disbursed any funds to Exeter Finance Corp.
10. The Debtors are delinquent on direct payments to Exeter Finance Corp. As of May 2, 2016, the total default was \$688.64.
11. The vehicle is not necessary for the Debtors' effective reorganization.
12. Exeter Finance Corp's collateral is a rapidly depreciating asset.
13. The Debtors have failed to provide proof of insurance to Exeter Finance Corp.
14. Exeter Finance Corp lacks adequate protection in its collateral; therefore, it should be allowed to immediately enforce and implement any Order Modifying the Automatic Stay that this Honorable Court may enter, notwithstanding Federal Bankruptcy Rule 4001(a)(3).

WHEREFORE, Exeter Finance Corp prays this Honorable Court for the entry of an order modifying the automatic stay pursuant to 11 U.S.C. § 362 so as to allow Exeter Finance Corp to take possession of one 2012 Nissan Versa S, VIN 3N1BC1CP3CK287137, and to enforce its rights against the security in accordance with the agreement and/or applicable state laws and to find that Federal Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure is waived and thus Exeter Finance Corp may immediately enforce and implement the Order Modifying the Automatic Stay as to

the Debtors, and for such other and further relief as the Court may deem just and proper.

Respectfully submitted,

/s/ Jennifer M. Rinn

Jennifer M. Rinn

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Chicago, IL 60603  
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